

App. Serial No.: 10/726,070
Atty. Docket No.: 0003-033P2

REMARKS

These remarks are in response to the Office Action dated December 14, 2005, which has a shortened statutory period for response set to expire March 14, 2006. No extension of time is required.

Claims

Claims 1-19 are pending in the above-identified application. Claims 1, 7-10, 17, and 18 are rejected. Claims 2-6, 11-16, and 19 are objected to, but indicated to include allowable subject matter. Claims 1, 7, and 10 are amended, and Claim 19 is canceled. Claims 2-6, 8-9, and 11-18 remain as filed. Allowance of all remaining claims is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 7 is rejected under 35 U.S.C. § 112, because of the lack of antecedent basis for "said compressed fluid supply source." Claim 7 is amended to now depend from Claim 6, which states "further comprising a compressed fluid supply source." Therefore, antecedent basis for "said compressed fluid supply source" now exists.

For the above reasons Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112.

Rejections Under 35 U.S.C. § 102

Claims 1, 8-10, and 17-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,085,975 (Bilkvist). Independent Claims 1 and 10 are amended, based on the Examiner's indication of allowable subject matter, to obviate the rejections under § 102(b).

The Examiner writes (in part):

Claim 19 recites "wherein said product is a wine product." Bilkvist teaches wherein the product is a dry particulate product. It would not have been obvious to someone of ordinary skill in the art to substitute a wine product for the dry particulate material because Bilkvist does not suggest such a modification. Examiner also notes that Johnson et al (3460627) teaches moving a wine product, however Johnson et al does not teach or suggest agitating the product. The wine product in Johnson et al travels directly to an outlet without being agitated and with contacting a product discharge valve.

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Claims 1-9:

Claim 1 is amended to now recite (in part): "a vacuum source coupled to said vacuum port for providing a vacuum to said vacuum chamber sufficient to draw a wine product into said chamber through said product inlet." Bilkvist does not disclose using "a vacuum source ... sufficient to draw a wine product into said chamber" and, as indicated by the Examiner, Bilkvist does not suggest substituting a wine product for the dry particulate material.

For the foregoing reasons, amended Claim 1 is now allowable over the prior art of record. Claims 2-9 depend, either directly or indirectly, from amended Claim 1 and are, therefore, allowable over the cited prior art for at least the same reasons as amended Claim 1.

Claims 10-18:

Claim 10 is amended to include all the limitations of indicated allowable Claim 19. Amended Claim 10 is, therefore, now allowable. Claim 19 is canceled.

Claims 11-18 depend, either directly or indirectly, from amended Claim 10 and are, therefore, allowable over the prior art of record for at least the same reasons as Claim 10.

For the above reasons Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102, in view of the amendments to the independent claims.

For the foregoing reasons, Applicants believe Claims 1-18 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-18, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicants' attorney at (269) 279-8820.

Respectfully submitted,

Date: 4/14/06



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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (571) 273-8300.

Date: 4/14/06

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